

## REMARKS

Claims 4 and 9 - 12 are pending in the application. A final Office Action was mailed on June 18, 2003. Applicants submitted a Response on October 20, 2003, together with a petition for one-month extension of time and proper extension fee. On November 20, 2003, an Advisory Action was mailed indicating that the Response of October 20 would not be entered.

With the present Preliminary Amendment, Applicants file a Request for Continuing Examination and petition for three-month extension of time. In the present Preliminary Amendment, Applicants cancel claims 4, 9 and 10 without prejudice or disclaimer, amend claims 11 and 12 and add new claim 13. No new matter is added.

## OBJECTION TO CLAIMS

Claims 11 and 12 are objected to for certain informalities. The Examiner also objects to claims 11 and 12 as being identical. Applicants amend claims 11 and 12 to address these informalities, and further amend claims 11 and 12 and add new claim 13 to clarify distinguishing limitations in each of these claims. Specifically, claim 11 is directed to an exchange that operates to connect to a called telephone in response to a flash operation of a caller's telephone, and claim 12 is directed to an exchange that operates to connect to a called telephone in response to on-hook operation of the caller's telephone. Accordingly, Applicants respectfully request that the objection be withdrawn

## REJECTIONS UNDER 35 U.S.C. §§ 102, 103

Claims 4, 9 and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent No. 6,574,216 to Farris et al., and under 35 U.S.C. § 103(a) as being unpatentable over Farris. Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S.

Patent No. 4,791,665 to Bogart et al. in view of in view of either of U.S. Patent No. 6,091,808 to Wood et al. or U.S. Patent No. 6,148,067 to Leipow. Applicants cancel claims 4, 9 and 10 without prejudice or disclaimer, and respectfully traverse the rejections as to remaining claims 11, 12.

In independent claims 11 - 13, Applicants claim an exchange including: a) a first part of the exchange which receives a number of a telephone terminal of a called party, b) a second part of the exchange which selects a network from a plurality of connectable networks including the Internet with the number and connects to the network, and c) a third part of the exchange which calls the telephone terminal via a network other than the Internet and connects to the telephone terminal in response to dialing a special number or pushing a button after a predetermined operation by a caller during a telephone call via the Internet.

Bogart discloses an interexchange carrier access selection that enables an exchange to select an interexchange carrier network on the basis of an interexchange call origination. Wood and Leipow each disclose call control methods in which a telephone to computer or telephone to telephone connection can be initiated via a web browser interface. However, in sharp contrast to Applicants' claimed invention, Bogart fails to teach or suggest provide for a caller to operate a telephone terminal by predetermined operation to switch a telephone call in progress and currently connected via the Internet to another non-Internet network for improved voice quality.

The Examiner acknowledges that Bogart fails to teach or suggest this claimed feature of Applicants' invention, and suggests that the feature is disclosed by either of Wood and Leipow. Wood teaches using a web browser to initiate a call from a subscriber's telephone to a telephone number displayed on the browser (see, e.g., column 6, lines 42 – 55 of Wood). Leipow teaches using a computer interface to control a voice bridged on a voice communication network. However, neither Wood nor Leipow teach or suggest Applicants' claimed means for operating a

telephone terminal in a telephone call over the Internet to cause selection of a non-Internet network for continuing the call.

Farris discloses a packet data network with quality monitoring. A call through a packet network is monitored during the course of communication. In the event that service quality is degraded below a minimum acceptable level, the call is rerouted without termination over an alternate network (see, e.g., column 4, lines 46 – 63 and column 10, line 44 though column 11, line 21 of Farris). In the system of Farris, either of a packet or telephony network may be selected by a caller for completing a call (see, e.g., column 9, lines 45 – 52). However, unlike Applicants' invention as claimed in amended claims 11 and 12, Farris fails to provide means for a caller to reroute and re-initiate a call from the caller's telephone over a telephony (non-Internet) network after terminating the call (see, e.g. page 12, line 17 through page 13 line 12 of Applicants' specification).

Unlike claims 11 and 12, new claim 13 does not explicitly require that the caller reinitiate a call over the non-telephony network after terminating the call by one of a flash and an on-hook operation. Applicants respectfully submit, however, that claim 13 is non-the-less be distinguishable over Farris.

As noted by the Examiner in the Advisory Action of November 20, Farris discloses that a caller may operate a button of the telephone to initiate rerouting through a non-Internet (PSTN) network (see, e.g., column 11, lines 35 – 58 of Farris). The system of Farris employs Internet module 92 to receive and process the special number from the caller that signals a desired switch to a non-Internet network. In sharp contrast to Farris, in amended claim 13 Applicants claim a third part of said exchange which directly calls the telephone terminal via a network other than the Internet and connects to the telephone terminal in response to receiving a special number dialed by a caller during a telephone call via the Internet. Thus, as compared to Farris,

Applicants' exchange of claim 13 provides the advantage of working with conventional Internet gateways.

In addition, with respect to amended claims 11 and 12, it should be further noted that these claims would be inoperable with the system of Farris, as the Internet module 92 would be unable to receive a signal from the caller after a call is terminated.

For the reasons cited above, Applicant respectfully submits that independent claims 11 – 13 are not made obvious by any combination of the cited references, and are therefore in condition for allowance.

### CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 11 – 13 are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, she is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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